



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 21, 2019.

Date of Meeting: December 4, 2018

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m., on Tuesday, December 4, 2018, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2 (arrived at 6:33 p.m.)
Paul Durham	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4 (departed at 5:56 p.m.)
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Deborah Rainone	Chief Deputy City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly after which a moment of silence was held for Deputy U.S. Marshall Chase White, killed in the line of duty while serving a warrant in Tucson.

b. INVOCATION

The invocation was given by Pastor Randy Reynolds, Community Renewal.

c. PRESENTATIONS:

Mayor Rothschild proclaimed December 4th to be "Aztec Men's Soccer Day" accepting the proclamation was Coach David Cosgrove, sophomore forward Hugo Kametani and sophomore defender Jacob Pacheco.

Mayor Rothshild was assisted by Council Member Fimbres and Council Member Cunningham's aide Ted Prezelski recognizing the Pima Community College Men's Soccer Team with certificates and medals.

(NOTE: Council Member Scott Departed at 5:56 p.m.)

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 377, dated December 4, 2018, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were none.

3. MAYOR AND COUNCIL/CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 376, dated December 4, 2018, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council and the City Manager to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Fimbres, and Council Members Romero and Durham.

Current event report was given by Michael J. Ortega, City Manager.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL

Mayor Rothschild announced City Manager's communication number 378, dated December 4, 2018, was received into and made part of the record. He also announced this was the time scheduled to allow Boards, Committees and Commissions to report on their activities during the past year, as well as, anticipated future activities.

Reports were given by David Marhefka, Design Review Board (DRB) Vice Chair; and Bruce Hamilton, Veterans' Affairs Committee (VAC) Chair.

Mayor Rothschild asked Mr. Marhefka to contact the City Clerk's Office with information on the vacancies of the DRB needing to be filed. He said the City Clerk's Office would forward that information to Mayor and Council.

Mayor Rothschild stated that on behalf of all the Council and himself he wanted like to thank all of them for their service to the City.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 379, dated December 4, 2018, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Opas Best, Ward 6
4590 E. Broadway Blvd.
Applicant: Qais Esar
Series 12, City 85-18
Action must be taken by: November 30, 2018

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument in Support Filed

2. Charro Del Rey, Ward 6
178 E. Broadway Blvd.
Applicant: Kevin Arnold Kramber
Series 12, City 86-18
Action must be taken by: December 3, 2018

Staff has indicated the applicant is in compliance with city requirements.

3. Holy Smokin Butts BBQ, Ward 2
6940 E. Broadway Blvd.
Applicant: Marisa Lewis
Series 12, City 88-18
Action must be taken by: December 17, 2018

Staff has indicated the applicant is in compliance with city requirements.

4. Ermanos, Ward 6
220 N. 4th Ave.
Applicant: Mark Aaron Erman
Series 12, City 89-18
Action must be taken by: December 21, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

5. Mandarin Grill, Ward 3
505 E. Grant Rd.
Applicant: Yiu Hong Lau
Series 7, City 87-18
Action must be taken by: December 16, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer Mayor and Council may consider the applicant's capability qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. Tucson Rodeo (La Fiesta de los Vaqueros), Ward 5
4823 S. 6th Ave.
Applicant: Gary G. Williams
City T129-18
Date of Event: February 26, 2019 - February 24, 2019
(Tucson Rodeo)

Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Rodeo Committee, Ward 5
4823 S. 6th Ave.
Applicant: Edward J. Stolfa
City T133-18
Date of Event: January 19, 2019
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. Most Holy Trinity Catholic Parish, Ward 1
1300 N. Greasewood Rd.
Applicant: Jeffrey Dean St. George
City T136-18
Date of Event: January 20, 2019
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

4. Jazz in January dba Tucson Jazz Festival, Ward 6
Gravel lot south of 300 E. Congress St.
Applicant: Paul Alan Wheeler II
City T137-18
Date of Event: January 21, 2019
(Tucson Jazz Festival)

Staff has indicated the applicant is in compliance with city requirements.

5. TD4Tucson dba Arizona Bowl, Ward 6
1303 E. University Blvd.
Applicant: Allyson Apgood Tofel
City T138-18
Date of Event: December 29, 2018
(College Football Bowl Game)

Staff has indicated the applicant is in compliance with city requirements.

6. CMB Foundation, Ward 6
845 N. Park Ave.
Applicant: Georgine Betancourt
City T139-18
Date of Event: December 8, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

7. Arizona Historical Society, Friends of Arizona History, Inc.,
Ward 6
949 E. 2nd Ave.
Applicant: Betty A. Cook
City T140-18
Date of Event: January 26, 2019
(Museum Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. On The Border Mexican Grill, Ward 6
5205 E. Broadway Blvd.
Applicant: John Dean Curtiss II
Series 12, City AC15-18
Action must be taken by: December 15, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city town or county may protest the acquisition of control within sixty days based on the capability reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 5 to 0 (Council Members Cunningham and Scott absent/excused), to forward liquor license applications 5b1 through 5b5, 5c1 through 5c7, and 5d1 to the Arizona State Liquor Board with a recommendation of approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask

that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Hanson Fotherby
JoJo Chirco
John Eisele
Peter Dobrovolny

Patrick Gonzalez
Anthony Potter
Mark Spear

Judith Blair
Paul Parisi
Camille Kershner

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

(NOTE: Council Member Cunningham arrived at 6:33 p.m.)

7. CONSENT AGENDA – ITEMS A THROUGH L

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager DEC04-18-380 CITY WIDE
2. Mayor and Council Regular Minutes of May 8, 2018
3. Mayor and Council Study Session Minutes of May 8, 2018

b. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING TUCSON CODE (CHAPTER 10A) CLARIFYING TERM LIMITS

1. Report from City Manager DEC04-18-398 CITY WIDE
2. Ordinance No. 11607 relating to Boards, Committees, and Commissions; amending Tucson Code Section 10A-134 to clarify when the term limits imposed by that section apply; and declaring an emergency.

c. BOARDS, COMMITTEES, AND COMMISSIONS: AMENDING TUCSON CODE (CHAPTER 10A) TO ALLOW MEMBERS TO SERVE ON TWO BOARDS, COMMITTEES, AND COMMISSIONS

1. Report from City Manager DEC04-18-385 CITY WIDE

2. Ordinance No. 11599 relating to Boards Committees, and Commissions; amending the Tucson Code, Sec. 10A-134(c) to provide that Boards, Committees and Commissions members may serve on up to two Boards, Committees and Commissions; and declaring an emergency.
- d. MEMORANDUM OF UNDERSTANDING: WITH THE TUCSON EMERGING 2030 DISTRICT FOR ENERGY AND WATER CONSERVATION
 1. Report from City Manager DEC04-18-390 CITY WIDE
 2. Resolution No. 22968 relating to the Environment; authorizing and approving a Memorandum of Understanding between the City of Tucson and Tucson Emerging 2030 District to provide energy and water consumption data of City-owned and occupied buildings; and declaring an emergency.
 - e. LABOR AGREEMENT AMENDMENT: WITH THE TUCSON POLICE OFFICERS ASSOCIATION
 1. Report from City Manager DEC04-18-396 CITY WIDE
 2. Resolution No. 22962 relating to Employee Relations; authorizing and approving an Amendment to the Labor Agreement between the City of Tucson and the Tucson Police Officers Association; and declaring an emergency.
 - f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE 5 POINTS NEIGHBORHOOD AND BUSINESS COALITION REINVESTMENT PROJECT
 1. Report from City Manager DEC04-18-371 WARDS 5 AND 6
 2. Resolution No. 22969 relating to Intergovernmental Agreements and Neighborhood Reinvestment; authorizing and approving the execution of Amendment No. 2 to the Intergovernmental Agreement (IGA) between Pima County and the City of Tucson (City) for the 5 Points Neighborhood and Business Coalition Reinvestment Project; and declaring an emergency.
 - g. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO STATE ROUTE 77 (ORACLE ROAD), BETWEEN RIVER ROAD AND GENEMATAS DRIVE
 1. Report from City Manager DEC04-18-397 WARD 3

2. Resolution No. 22971 relating to Intergovernmental Agreements (IGAs) and Transportation; approving and authorizing the execution of an IGA between the Arizona Department of Transportation (ADOT) and the City of Tucson (City) for improvements to State Route 77 (Oracle Road) between River Road and Genematas Drive; and declaring an emergency.
- h. TUCSON CODE: AMENDING (CHAPTER 20) MOTOR VEHICLES AND TRAFFIC, RELATING TO SPEED LIMITS ON PIMA STREET; REPEALING ORDINANCES 11527 AND 11528
1. Report from City Manager DEC04-18-373 WARD 6
 2. Ordinance No. 11604 relating to Motor Vehicles and Traffic; repealing Ordinance No. 11527 adopted February 21, 2018; designating current streets or parts of streets where thirty miles per hour speed limit is imposed, pursuant to Section 20-140 of the Tucson Code; and declaring an emergency.
 3. Ordinance No. 11605 relating to Motor Vehicles and Traffic; repealing Ordinance No. 11528 adopted February 21, 2018; designating current streets or parts of streets where thirty-five miles per hour speed limit is imposed, pursuant to Section 20-141 of the Tucson Code; and declaring an emergency.
- i. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO ONE-WAY STREETS AND ALLEYS, CONVERTING A SECTION OF 8TH STREET FROM ONE-WAY TRAFFIC TO TWO-WAY TRAFFIC; REPEALING ORDINANCE 11368
1. Report from City Manager DEC04-18-393 WARD 6
 2. Ordinance No. 11606 relating to Motor Vehicles and Traffic; repealing Ordinance No. 11368 of June 7, 2016, and designating current streets and alleys or parts of streets and alleys as one-way, pursuant to Section 20-179 of the City Code; and declaring an emergency.
- j. FINAL PLAT: (S18-076) SOUTH FREMONT, LOTS 1 THROUGH 4
1. Report from City Manager DEC04-18-381 WARD 5
 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

k. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA GAME AND FISH DEPARTMENT FOR THE COMMUNITY FISHING PROGRAM

1. Report from City Manager DEC04-18-382 CITY WIDE
2. Resolution No. 22966 relating to Intergovernmental Agreements (IGA); approving and authorizing the execution of IGA between the City of Tucson (City) and the Arizona Game and Fish Commission (Commission) for the continuation of the Community Fishing Program; and declaring an emergency.

1. REAL PROPERTY: EXTENDING INSPECTION PERIOD FOR SALE OF CITY-OWNED PROPERTY LOCATED AT 930-948 EAST BROADWAY BOULEVARD, AND 935 EAST 12TH STREET (FORMER BROADWAY VOLVO SITE)

1. Report from City Manager DEC04-18-392 WARD 5

It was moved by Council Member Vice Mayor Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused) that Consent Agenda Items a – 1 be passed and adopted and the proper action taken.

8. PUBLIC HEARING: SOUTH KOLB ANNEXATION DISTRICT

Mayor Rothschild announced City Manager's communication number 391, dated December 4, 2018, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed annexation district located on Kolb Road, south of Valencia. Encompassing approximately 90.9 acres, it is currently being developed as the site of the Amazon Distribution Center. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to close the public hearing.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to proceed with the South Kolb Annexation District.

9. ZONING: (SE-18-55) T-MOBILE – IRVINGTON ROAD, O-3 ZONE, WIRELESS COMMUNICATION FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 386, dated December 4, 2018, was received into and made part of the record. He also announced this is a special exception land use request for property located approximately 300 feet

north of Irvington Road and 2,000 feet east of Mission Road. He said staff recommends approval of the wireless communications tower as a special exception land use in the O-3 zone, and adoption of the ordinance would establish conditions for approval as well as the Zoning Examiner subject to the recommended conditions.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Gary Cassel, Vertical Bridge, representing T-Mobile, affirmed that his client was agreeable to the proposed requirements.

Mayor Rothschild asked the City Clerk to read Ordinance 11600 by number and title only.

Ordinance No. 11600 relating to zoning; a special exception land use - Wireless Communications Facility - SE-18-55 T-Mobile - Irvington Road - located approximately 300 feet north of Irvington Road and 2,000 feet east of Mission Road; approving with conditions the construction of a Wireless Communication Facility with eight antenna panels concealed within a monoelm, within an approximately 1,050 square foot lease area in the O-3 zone; and setting an effective date.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11600.

10. ZONING: (C9-18-14) CHIRCO – BROWN STREET, SR TO RX-1, CITY MANAGER'S REPORT

Mayor Rothschild announced City Manager's communication number 387, dated December 4, 2018, was received into and made part of the record. He also announced this was a request to rezone approximately 2.49 acres from SR to RX-1 zoning. The rezoning site is located on the east side of Brown Street, approximately 700 feet south of East Broadway Boulevard. Staff recommended authorization of RX-1 zoning subject to certain conditions. He said the Zoning Examiner and staff recommend approval of RX-1 zoning.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

JoJo Chirco, on behalf of the property owner, stated they were agreeable to the proposed requirements for the rezoning.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

11. ZONING: (C9-18-16) RUBINSTEIN HOUSE - EAST CALLE FERNANDO, R-1 TO HLR-1, CITY MANAGER'S REPORT, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 383, dated December 4, 2018, was received into and made part of the record. He also announced this was a request to designate the Rubinstein House at 3838 East Calle Fernando as a Historic Landmark. The rezoning site is located approximately 200 feet west of Alvernon Way and 650 feet south of 5th Street. He said the Zoning Examiner recommended approval of HLR-1 zoning and staff recommended authorization of HLR-1 zoning and adoption of the ordinance.

Mayor Rothschild asked if the applicant or representative was present and agreeable to the proposed requirements.

Michael Rankin, City Attorney, said in the absence of the applicant or a representative, the Mayor and Council could proceed as recommended in the Mayor and Council Communication.

Mayor Rothschild asked the City Clerk to read Ordinance 11601 by number and title only.

Ordinance No. 11601 relating to Zoning: amending zoning district boundaries in the area located approximately 200 feet west of Alvernon Way and 650 feet south of 5th Street in Case C9-18-16, Rubinstein House - 3838 East Calle Fernando, R-1 to HLR-1; and setting an effective date.

Council Member Kozachik expressed concern over a previous application involving the property in question where the Tucson Historic Preservation Foundation was sponsoring the application and there were no property owners present to validate they were supportive of the rezoning. He asked how they would be sure the property owners were in agreement with the rezoning.

Mayor Rothschild stated Mr. Scott Clark and Mr. John Iurino were present and asked them if they had seen the property owners and witnessed their affirmations.

John Iurino, Zoning Examiner, said Council Member Kozachik was correct in that particular case. However, the property had since been sold to the current property owner, Evelyn Thomas, who submitted a new application in support of the rezoning.

Council Member Kozachik asked if it was normal protocol, even if the sponsoring entity, like the Tucson Historic Preservation Foundation, to reach out and validate with the property owners to see if they supported it.

Mr. Iurino said in this particular case, an application on her behalf was signed by her and submitted.

Council Member Kozachik said there were several other applications in the works he was aware of. It would be helpful when it got to that stage they had something on record that reflected the Tucson Historic Preservation Foundation was not acting on their own.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11601.

12. ZONING: (C9-18-10) LA ROCA VISTA – TANQUE VERDE ROAD, SR TO R-1, CITY MANAGER'S REPORT

This item was continued to the meeting of December 18, 2018.

13. CITY MAGISTRATES: APPOINTMENT OF CITY MAGISTRATES AND FIXING COMPENSATION

Mayor Rothschild announced City Manager's communication number 370, dated December 4, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11602 by number and title only.

Ordinance No. 11602 relating to City Magistrates; appointing Thomas J. Berning as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11602 naming Thomas J. Berning as City Magistrate.

Mayor Rothschild asked the City Clerk to read Ordinance 11603 by number and title only.

Ordinance No. 11603 relating to City Magistrates; appointing Susan Q. Shetter as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Ordinance 11603 naming Susan Q. Shetter as City Magistrate.

14. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENT TO THE CIVIL SERVICE COMMISSION

Mayor Rothschild announced City Manager's communication number 399, dated December 4, 2018, was received into and made part of the record. He asked the City Clerk to read Resolution 22963 by number and title only.

Resolution No. 22963 relating to the Civil Service Commission; appointing Thomas Palomares II as a Civil Service Commissioner, to fill the vacancy created by the resignation of Malcom Pavey, and to serve the remainder of the term that commenced on March 6, 2018 and will expire on March 5, 2024; fixing annual compensation; and declaring an emergency.

Council Member Cunningham gave a brief background and expressed his support for the appointment of Mr. Palomares.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Resolution 22963.

15. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR

Mayor Rothschild announced City Manager's communication number 384, dated December 4, 2018, was received into and made part of the record. He asked City Clerk to read Resolution 22967 by number and title only.

Resolution No. 22967 relating to the Vice Mayor of the Mayor and Council; selecting a Vice Mayor.

Council Member Cunningham wanted to thank Vice Mayor Fimbres for his service and quality of work and was looking forward to seeing him carry out the rest of his term.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 0 (Council Member Scott absent/excused), to pass and adopt Resolution 22967 naming Council Member Fimbres as Vice Mayor.

16. **ADJOURNMENT:** 7:03 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 18, 2018, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.



MAYOR

ATTEST:



for CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 4th day of December, 2018, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:cl:agj